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C O N F I D E N T I A L SECTION 01 OF 03 GUATEMALA 000222

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TAGS: [MARR](#) [PHUM](#) [MOPS](#) [KDEM](#) [KCRM](#) [KJUS](#) [PGOV](#) [GT](#)  
SUBJECT: MINISTER OF DEFENSE UNDER PRESSURE TO TURN OVER  
TWO MISSING MILITARY PLANS

REF: A. 07 GUATEMALA 1530  
[1](#)B. 08 GUATEMALA 353

Classified By: Ambassador Stephen McFarland for reasons 1.4(b,d)

[1](#)1. (U) Summary: On March 6, the Ministry of Defense presented to a judge certified copies of two of the four 1980s-era military counterinsurgency plans -- Victoria 82 and Firmeza 83 -- ordered by the Constitutional Court to be turned over to the Public Ministry. The two other plans -- Plan Sofia and Operation Ixil -- remain missing. Human rights groups filed a complaint against the Minister of Defense alleging contempt of court for failure to deliver all four plans, as mandated. Lawyers for retired general Efraín Ríos Montt have countersued. In meetings with President Colom and the Minister of Defense, the Ambassador stressed the importance of fully complying with the court order. We believe the two missing plans probably are still in existence somewhere; we will continue to urge Guatemalan authorities to find and release them. End Summary.

[1](#)2. (U) On March 6, under a Constitutional Court order, Defense Minister Maj. Gen. Abraham Valenzuela delivered to Judge Valenzuela, Second Judge of the First Instance Criminal Court, two of four 1980s-era counterinsurgency plans used by the military during the internal conflict. Valenzuela stated that he did not know the whereabouts of the two other plans and was unaware of their existence until he became Minister. He claimed that the documents might have disappeared when Gen. Ronaldo Cecilio Leiva was Minister of Defense during the Berger Administration. Leiva claimed, however, that he never saw those plans and that the National Defense Staff was not in charge of those plans. Later, Valenzuela acknowledged that the plans might exist and ordered all military commanders to conduct a search. The search reportedly yielded no results.

[1](#)3. (U) Earlier, on February 25, National Day of Dignity for Victims, Defense Minister Valenzuela had presented an incomplete set of documents to the court, which the judge had refused to accept and had returned to the Minister for custody pending delivery of the two other plans. Human rights groups criticized President Colom and the Defense Minister for failure to deliver all four military plans, which they believe could implicate former head of state Efraín Ríos Montt and the military High Command in massacres committed during the internal conflict between 1982 and 1983. The Human Rights Legal Action Center (CALDH), a plaintiff in a legal proceeding against former heads of state Ríos Montt and Humberto Mejía Victores and former Chief of National Defense (CHOD) Hector Lopez Fuentes, criticized Colom for saying one thing and demonstrating another with his actions. Secretary of Peace Orlando Bloom publicly criticized the decision of the judge for not retaining the documents presented by the Minister and had claimed that the "state does not want to contribute to historic clarification." Iduvina Hernandez of NGO Security in Democracy alleged that

the Minister of Defense was obstructing justice and covering up for those responsible for genocide during the internal conflict. Carmen Aida Ibarra of the Myrna Mack Foundation commented that the Minister of Defense acted with cynicism and disrespect, and criticized the judge for failure to use his authority to demand the four plans.

¶4. (U) The Public Ministry (Attorney General's Office) expressed hope that the military plans would shed light on massacres allegedly perpetrated during the governments of Gen. Efraín Ríos Montt and Gen. Humberto Mejía Victores by military subordinates who participated in "the scorched earth" strategy during the armed conflict. Secretary of Peace Blanco hoped that the plans would delineate the lines of responsibility of the Army in counterinsurgency activities, specifically in the mobilization of armed contingents and in the conduct of operations in various regions. Ríos Montt's lawyer, Francisco Palomo, maintained that the plans do not contain criminal acts attributable to particular individuals and that there is no evidence to suggest that his client, accused of genocide, ordered any of the atrocities.

¶5. (C) During a March 3 meeting with CALDH, Executive Director Mario Minera told poloff that there were anomalies in the judicial process and that they were not properly notified of the February 25 court hearing. Minera claimed that the judge exceeded his authority by holding the February 25 hearing to review the plans to determine their admissibility as evidence rather than simply receiving the plans and turning them over to the Public Ministry, in accordance with the Constitutional Court ruling. Minera

GUATEMALA 00000222 002 OF 003

characterized the partial document delivery as a farce, and asserted that it demonstrates that the Ministry of Defense is protecting Ríos Montt and other former military officials. He stated that on February 27 CALDH, along with six other human rights groups, presented to the Public Ministry a formal accusation against Defense Minister Valenzuela for contempt of court for non-compliance of the judicial order. Juan Francisco Soto, Coordinator of CALDH's Justice and Reconciliation Program, expressed concern that the judge would revisit the issue of whether the documents are national secrets, an issue already decided by the Constitutional Court. Colom has publicly stated that there are no arguments to maintain the secrecy of a war that has long ended and that the documents do not compromise national security. He stated to the press that he had not personally seen any of the plans and that he had no objections to making them publicly available.

¶6. (U) On March 6, Judge Valenzuela received from the Ministry of Defense certified copies of Victoria 82 and Firmeza 83, and turned them over to the Public Ministry and to CALDH. He ordered the Public Ministry to investigate the disappearances of Plan Sofia and Operation Ixil. Plan Sofia, cited in the Historic Clarification Commission Report and featured in a "Prensa Libre" article in 2007, reportedly details Army operations to "exterminate subversive elements" in Nebaj, Quiché in 1982. The document, together with declarations of witnesses, could implicate the military High Command and Efraín Ríos Montt in massacres committed during his administration.

¶7. (C) During a March 6 meeting with the Ambassador, DCM, DATT, and MILGRP Commander, Defense Minister Valenzuela stated that his Ministry has done everything it could to locate the two missing plans and that a commission, to be coordinated by the Inspector General of the Army under the direction of the President, is being set up to review and declassify military documents that date from 1954 to 1996. (Note: On March 11, President Colom formally established the Presidential Commission for Declassification of Military Archives for a period of ten months. End note.) Valenzuela

noted that the Ambassador had raised the military archives issue with him in January 2009. He said he filed a petition with the Public Ministry, stating that the Defense Ministry could not locate the two missing plans and formally requesting the Public Ministry to find them. The Ambassador said that the Embassy is confident that the two missing plans exist, and urged the Defense Minister to do more to locate them and to publicly exhort those who may have them to present them. He noted that there is a perception that the military is covering up and not cooperating, a perception that could affect U.S. military assistance. He underscored the importance of the military's cooperation on CICIG investigations and on prosecutions of human rights abuses committed during the internal conflict, which he pointed out is not limited to release of the military plans. In a separate meeting with President Colom, the Ambassador stressed that turning over the military documents would be a significant gesture that would help make the arguments for consideration of restoring full USG military assistance.

¶18. (C) In an earlier meeting March 6, the Ambassador, DCM, and PolCouns raised the military plans with retired general Qand PolCouns raised the military plans with retired general Otto Perez Molina, head of the opposition Partido Patriota. Perez Molina said he had never seen the two missing plans; he claimed that when he had led an army unit in the Ixil area in the early 1980s, he had used only broad national guidelines to guide his efforts. He said that he doubted that the military would turn over the Sofia and Ixil plans. The Ambassador underscored the importance to the USG, and to current and future military cooperation, of turning over the military archives. Perez Molina took note of our concern.

¶19. (C) On March 9, President Colom met with the Ambassador at the CMR. Colom, who had requested the meeting, was disturbed that the Minister of Defense was not providing the right leadership on this issue. He also said that a source in Spain had provided him a copy of the Sofia Plan. The Ambassador reviewed for Colom his meetings with Defense Minister Valenzuela (Colom did not seem to know about this meeting) and Perez Molina. He urged Colom to continue pushing the military to find and to release the missing plans. He also stressed that full military cooperation on this and other human rights issues was critical to current and future military cooperation. The President thanked the Ambassador, and then reviewed his options for possibly replacing the Defense Minister.

¶10. (SBU) Comment: While the Embassy is confident that the

GUATEMALA 00000222 003 OF 003

two missing plans exist, release of the military archives remains controversial within a certain segment of Guatemala's politicized military and former military. Retired and senior-level military officers are concerned that release of the plans may implicate them in human rights abuses committed during the internal conflict, while the younger generation of military officers are less concerned and generally do not oppose their release. Human rights groups believe that the military plans will provide details that may help prosecute Rios Montt and other former military officials for human rights abuses committed during the conflict. However, current and former senior military officers, including political opposition leader Otto Perez Molina, have told us that the military archives are full of standard operational and logistical planning and do not contain the kind of specific orders that could be construed as orders to commit human rights violations.  
McFarland